

FILED

Clerk
District Court

DEC - 9 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

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Attorney for Plaintiff Jin Chun Hu

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

JIN CHUN HU,

Plaintiff,

vs.

ISLAND SEVEN COLORS, INC., KIM CHANG
RYEOL and DOE 1,

Defendants.

CASE NO. CV 05-0030

PLAINTIFF'S INITIAL DISCLOSURES

COMES NOW, Plaintiff JIN CHUN HU, by and through his attorney, pursuant to Fed. R. Civ. P. 26(a)(1) and LR 16.2CJ(d), with the following disclosures:¹

A. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION

The following individuals and entities are likely to have discoverable information that Plaintiff may use to support his claims in this case:

1. Plaintiff Jin Chun Hu who may be contacted through his attorney of record at the address and phone numbers above listed;

2. Ms. Xuan Hui Shan, residing in Saipan but contact information currently unknown, is familiar and can testify as to the salary received, rent and other fee paid, and working hours of

¹ A copy of Plaintiff's Initial Disclosures has been filed with the Court. See L.R. 16.2CJ.d.

ORIGINAL

1 Plaintiff while employed by Defendants.

2 3. Ms. Han Guo Hua, currently residing in Korea but contact information unknown, has
3 information on the fees and expenses paid by Plaintiff related to airfare and other application fees,
4 permit fees, and recruitment expenses paid by Plaintiff for his employment with Defendants.

5 4. Defendants have information relating to Plaintiff's claims and potential claims for
6 retaliation, fraud and fraud in the inducement, among other possible future claims.

7 5. Mr. Simon Sin, Saipan Korean Weekly has information on Plaintiff's claims, Defendants'
8 liability, and the facts and circumstances surrounding possible retaliation against Plaintiff for filing
9 FLSA claims, possible fraud and fraudulent inducement of with regard to a purported compromise
10 of Plaintiff's claims, and other facts and circumstances surrounding this case.

11 6. Ms. Hyun Hye Sun, believed to be the wife of Defendant Kim and a joint employer of
12 Plaintiff, has information regarding all of Plaintiff's claims against Defendants.

13 Several other past and present employees and or associates of Defendants and their business, may
14 have information Plaintiff may use to support his claims in this case.

15 Plaintiff reserves the right to amend and supplement this list if additional information
16 becomes available during the course of discovery, pursuant to Fed. R. Civ. P. 26(e).

17 **B. LISTING, DESCRIPTION AND LOCATION OF DOCUMENTS, DATA**
18 **COMPILATIONS AND TANGIBLE THINGS**

- 19 1. Copy of passport of Jin Chunhu (Bates Doc. Nos. 1-3);
20 2. Copy of entry permit of Jin Chunhu (Bates Doc. No. 4);
21 3. Copy of a handwritten notations (Bates Doc. No. 5);
22 4. Copies of calendars with handwritten notations (8 pages) from January 2005 through
23 September 2005, excluding May 2005 (Bates Doc. Nos. 6-13);
24 5. Copy of letter from Colin Thompson to Mark B. Hanson dated October 25, 2005
25 (Bates Doc. Nos. 14-15);
26 6. Copy of facsimile(with fax cover page) of letter from Colin Thompson to Mark B.
27

1 Hanson dated October 25, 2005 (Bates Doc. Nos. 16-17);

2 7. Business Card of Simon Sin (Bates Doc. No. 18);

3 8. Annual Corporation Report for Island Seven Colors, Inc. dated March 17, 2004 (Bates
4 Doc. Nos. 19-20).

5 Copies of the above-described documents are being provided herewith to Defendants.
6 Plaintiff reserves the right to amend and supplement this list if additional information becomes
7 available during the course of discovery, pursuant to Fed. R. Civ. P. 26(e).

8 **C. COMPUTATION OF DAMAGES**

9 Reserving the right to modify or amend the dates, hours and/or amounts provided to reflect,
10 more accurately, the nature of Plaintiff's damages based on subsequent information and evidence
11 obtained, attached hereto is a rough calculation of Plaintiff's damages, excluding interest, costs and
12 attorney's fees, calculated based on preliminary information subject to further clarification and
13 refinement through discovery. Without admitting that such wage rates are the applicable, legal, rates,
14 the hourly rates used therein are \$3.05 per hour based on the CNMI minimum wage rate applicable
15 for the relevant pay periods. Base rate(s) may subject to upward adjustment pursuant to 29 U.S.C.
16 § 207(e) in order to determine the proper amount of the applicable overtime premium. The
17 preliminary overtime premiums used in the Calculation of Damages attached are one and one-half
18 times Plaintiff's base rates as stated above before any § 207(e) adjustment. The "wages paid" in the
19 Calculation of Damages have been inserted generally, monthly without regard to the actual timing
20 of the payments. Actual payments were made sporadically throughout the month. The total wages
21 paid should reflect Plaintiff's total actual wages received through his employment with Defendants.

22 **D. LIABILITY INSURANCE AGREEMENT**

23 Defendants, or any of them, may have, or may have had, various policies of insurance that
24 would cover some or all of the claims advanced by Plaintiff in this matter. However, the existence
25 and terms of such policy or policies are unknown to Plaintiff and, therefore, need to be identified by
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1 Defendants in their initial disclosures.

2 **E. CERTIFICATION**

3 Pursuant to Fed. R. Civ. P. 26(g)(1), I hereby certify that to the best of my knowledge,
4 information, and belief, formed after reasonable inquiry, that the above disclosure is complete and
5 correct as of the date set forth below.

6
7 DATED this 9th day of December, 2005.

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10 MARK B. HANSON
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15 Attorney for Plaintiff JIN CHUN HU
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JIN CHUN HU CALCULATION OF DAMAGES

(January 28, 2005 to January 21, 2006)

A	B	C	D	E	F	G	H	I	J	K	L
PPE	Regular Hours	OT Hours	Regular Rate/hr	Overtime Rate/hrOT	Regular wages owed	Overtime wages owed	Wages paid	Wages due	Deductions/Rent	Liquidated Damages	Total Due
2/6/05	58.0	50.0	3.05	4.58	176.90	229.00		405.90	1025.00	1430.90	2861.80
2/20/05	80.0	88.0	3.05	4.58	244.00	403.04	500.00	147.04	50.00	197.04	394.08
3/6/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04		647.04	1294.08
3/20/05	80.0	88.0	3.05	4.58	244.00	403.04	500.00	147.04		147.04	294.08
4/3/05	80.0	76.0	3.05	4.58	244.00	348.08		592.08		592.08	1184.16
4/17/05	80.0	88.0	3.05	4.58	244.00	403.04	500.00	147.04		147.04	294.08
5/1/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04		647.04	1294.08
5/15/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04		647.04	1294.08
5/29/05	80.0	88.0	3.05	4.58	244.00	403.04	500.00	147.04		147.04	294.08
6/12/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04		647.04	1294.08
6/26/05	80.0	82.0	3.05	4.58	244.00	375.56	500.00	119.56		119.56	239.12
7/10/05	80.0	76.0	3.05	4.58	244.00	348.08		592.08		592.08	1184.16
7/24/05	80.0	88.0	3.05	4.58	244.00	403.04	500.00	147.04		147.04	294.08
8/7/05	80.0	76.0	3.05	4.58	244.00	348.08		592.08		592.08	1184.16

JIN CHUN HU CALCULATION OF DAMAGES

(January 28, 2005 to January 21, 2006)

A	B	C	D	E	F	G	H	I	J	K	L
PPE	Regular Hours	OT Hours	Regular Rate/hr	Overtime Rate/hrOT	Regular wages owed	Overtime wages owed	Wages paid	Wages due	Deductions/Rent	Liquidated Damages	Total Due
8/21/05	80.0	88.0	3.05	4.58	244.00	403.04	300.00	347.04		347.04	694.08
9/4/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04		647.04	1294.08
9/18/05	80.0	82.0	3.05	4.58	244.00	375.56		619.56		619.56	1239.12
10/2/05	80.0	88.0	3.05	4.58	244.00	403.04		647.04	190.00	647.04	1484.08
10/16/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
10/30/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
11/13/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
11/27/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
12/11/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
12/25/05	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
1/8/06	80.0		3.05	4.58	244.00	0.00		244.00		244.00	488.00
1/22/06	72.0		3.05	4.58	219.60	0.00		219.60		219.60	439.20
								0.00			
	2,050	1,498			6,252.50	6,860.84	3,300.00	9,813.34	1,265.00	10,888.34	21,966.68